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Chairman: Mr. Hachani ..... (Tunisia)

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The meeting was called to order at 3.15 p.m.

Agenda item 105: Report of the United Nations High Commissioner for Refugees: questions relating to refugees and displaced persons and humanitarian questions (*continued*) (A/C.3/53/L.52, L.54 and L.55)

Draft resolution A/C.3/53/L.52: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

1. **Mr. Nikiforov** (Russian Federation), introducing draft resolution A/C.3/53/L.52, said that it dealt with the implementation of the decisions adopted at the Regional Conference on refugees held in Geneva in May 1996 and should enable specific measures to be taken to prevent new flows of refugees and displaced persons in the region. Given the flexibility shown by all countries concerned during the elaboration of the draft resolution and its objective and balanced nature, he hoped that it would be adopted without a vote.

Draft resolution A/C.3/53/L.54: New international humanitarian order

2. **Mr. Al Hussein** (Jordan), introducing draft resolution A/C.3/53/L.54, announced that Guinea-Bissau, Kazakhstan and Mauritania had become sponsors. He recalled that the Committee had adopted previous resolutions on the subject without a vote. At the request of the General Assembly, the Secretary-General had submitted 10 reports on the subject, containing comments by some 50 Member States. The scale and complexity of humanitarian problems demanded that international cooperation be strengthened in order to address them effectively. There was a need, individually and collectively, to accept the duty of and assume responsibility for helping those in need, in recognition of the fact that, in the global village, adversity anywhere was a threat to prosperity everywhere.

3. The preamble to the draft resolution emphasized, *inter alia*, the need to work closely with the United Nations system to promote the new international humanitarian order, and to support the new Office for the Coordination of Humanitarian Affairs established as part of the Secretary-General's reform process. Development and peace went hand in hand, and most humanitarian problems were caused by the absence of conditions conducive to them. The operative part of the draft resolution was a plea to promote the new international humanitarian order and suggested ways of dealing effectively with complex emergencies and escalating humanitarian problems. Jordan, which had long experience of refugee problems, had recently hosted, along with the Office of the United Nations High Commissioner for Refugees (UNHCR), a regional meeting to discuss the problems facing the countries of the area extending from the Near and Middle East to Central and South Asia, and wished to assure the High Commissioner of its full support.

4. The draft resolution suggested that the question of a new international humanitarian order should remain on the agenda in order to give Member States the opportunity to develop norms and conceptual frameworks to meet new challenges. His delegation and others would like the Secretary-General to report on the question to the General Assembly at its fifty-fifth session. In the meantime, Governments should continue to provide the Secretary-General with their views and comments on humanitarian problems of concern to them. His delegation hoped that the draft resolution, which had no programme budget implications, would be adopted without a vote.

Draft resolution A/C.3/53/L.55: Office of the United Nations High Commissioner for Refugees

5. **Mr. Sjögren** (Sweden), introducing draft resolution A/C.3/53/L.55 on behalf of the Nordic countries and the other sponsors, announced that Bolivia, Botswana, Cape Verde, Chad, Guinea, Malta, Paraguay, Swaziland and Uruguay had also become sponsors. In the first line of paragraph 10, the phrase "refrain from any actions that prevent or obstruct the staff of the Office of the High Commissioner and other humanitarian personnel from performing the functions required under their mandates" should be replaced by "continue to cooperate closely with the staff of the Office of the High Commissioner and other humanitarian personnel in performing the functions required under their mandates". The draft resolution focused on the protection aspect of the High Commissioner's mandate. It contained new provisions on, *inter alia*, the promotion of universal accession to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees; the right of asylum as recognized in paragraph 14 of the Universal Declaration of Human Rights, including the protection of internally displaced persons; the need to provide assistance to countries that had received large numbers of refugees, particularly developing countries; capacity-building; and the situation of elderly refugees and stateless persons. His delegation hoped that the draft resolution would be adopted by consensus.

Agenda item 110: Human rights questions (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/53/L.38, L.43, L.47, L.59 and L.61)

Draft resolution A/C.3/53/L.38: Situation of human rights in the Islamic Republic of Iran

6. **Mr. Theuermann** (Austria), introducing draft resolution A/C.3/53/L.38 on behalf of the European Union and the other sponsors, said that the text was based on the findings of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran. The European Union believed that the draft resolution reflected the situation of human rights in that country in an accurate and balanced manner, taking into account positive developments in some areas. It addressed serious human rights violations which continued to occur there, including cases of torture and inhuman or degrading treatment, discrimination against religious minorities, in particular the Baha'i community, and the lack of full enjoyment by women of their basic human rights. For the past three years, the Government of the Islamic Republic of Iran had not allowed the Special Representative to visit the country. The draft resolution once again called upon the Government to resume full cooperation with the Special Representative. The European Union had sought the cooperation of the delegation of the Islamic Republic of Iran in drawing up that important draft resolution, but the delegation had indicated that its Government would not accept any draft resolution which addressed the situation of human rights in the Islamic Republic of Iran in a substantive manner. The European Union remained open to further discussion with the Government in a spirit of openness and believed that extending an invitation to the Special Representative to visit that country would be an important element in that regard. The sponsors hoped that all Member States would support the draft resolution.

Draft resolution A/C.3/53/L.43: Human rights in Haiti

7. **Ms. De Felice** (Venezuela), introducing draft resolution A/C.3/53/L.43 on behalf of the friends of Haiti and the sponsors, said that Australia, Belgium, Belize, Brazil, Denmark, the Dominican Republic, Hungary, Iceland, Israel, Saint Lucia and Trinidad and Tobago had joined the sponsors. The draft resolution repeated ideas expressed in the resolution which the General Assembly had adopted on that question at its fifty-second session and in the resolution adopted by the Commission on Human Rights at its previous session (1998/58). Confronted with an ongoing economic crisis compounded by political instability, Haiti was experiencing serious shortcomings in fields such as the administration of justice, the police and prison administration, which affected the human rights situation. The draft resolution focused on the need for international cooperation to help the Haitian Government take concrete steps in order to deal with that situation.

8. In the eleventh preambular paragraph, the phrase "to express their wishes fully through free, honest and transparent elections" should be replaced by the phrase "to fully express their will through free, fair and transparent elections". In paragraph 5 of the English text, the word "statement" should be replaced by the word "stalemate". The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/53/L.47: The situation of human rights in the Democratic Republic of the Congo

9. **Mr. Theuermann** (Austria) introduced draft resolution A/C.3/53/L.47, placing particular emphasis on the provisions of paragraphs 1, 5, 9 and 11 to 15. He noted that the draft underlined the need to take human rights considerations into account in planning for an international peacekeeping or peace-building presence in the country and pointed out that its sponsors had been in close contact with the Government of the Democratic Republic of the Congo and other interested countries throughout the process of drawing up the draft text, which would make a positive contribution to settling the current crisis. He hoped that the draft resolution would be adopted without a vote.

10. **Mr. Essanzo** (Congo) said that the name of his country had been erroneously placed among the sponsors of the draft resolution.

11. **Mr. Mikongo** (Democratic Republic of the Congo) said that his country totally rejected the draft resolution.

12. **Mr. Freire** (Portugal) said that his country should appear among the sponsors of the draft resolution.

Draft resolution A/C.3/53/L.59: Situation of human rights in Myanmar

13. **Ms. Mårtensson** (Sweden) introduced draft resolution A/C.3/53/L.59 on behalf of the sponsors as well as Estonia and the United States of America and noted, with regard to paragraph 4, that the continuing violations of human rights in Myanmar had been referred to in reports drawn up both by the Special Rapporteur and the International Labour Organization Commission of Inquiry. She also placed particular stress on paragraphs 2, 5, 6, 7, 9 and 10 and hoped that the draft text would be adopted without a vote.

Draft resolution A/C.3/53/L.61: Situation of human rights in Kosovo

14. **Ms. King** (United States of America) said that Croatia, Iceland and the United Arab Emirates had joined the sponsors of the draft resolution and pointed out that the wording of paragraph 14 (c) had been amended to read: "To allow complete, unimpeded access for the International Tribunal for the Former Yugoslavia and its forensic experts to Kosovo, ...", and in paragraph 32 the phrase "the territory of the former Yugoslavia" had been replaced by the phrase "the territory of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)".

15. She pointed out that the first steps to the Balkan region's disastrous wars had occurred in Kosovo some nine years earlier. Now that the fighting elsewhere had ceased, the injustices to the people of Kosovo had flared into the latest Balkan ethnic war. The police and armed forces of the Federal Republic of Yugoslavia had forced nearly 300,000 people to flee their homes and had destroyed over 20,000 houses. There were over 1,000 documented deaths, many of them small children and the very old. While there had been atrocities by both sides, the Yugoslav forces were responsible for the overwhelming majority of those cases. Instead of attempting to establish law and order, they sought to terrorize an entire population. The violence had come after more than 10 years of oppression of the most basic human aspirations.

16. The draft resolution was the only occasion that the General Assembly would have to express its collective view concerning the ongoing crisis in Kosovo and condemn all human rights violations committed there. The draft resolution did not seek to make policy or infringe on the responsibilities of other United Nations bodies. The authorities of the Federal Republic of Yugoslavia should not be held to lesser commitments than they had made in other forums, such as the Security Council, NATO or OSCE. The draft resolution denounced the violence, called for cooperation with the International Criminal Tribunal for the Former Yugoslavia, a peaceful and negotiated settlement, the establishment of democracy, self-governance for Kosovo, the creation of legislative, judicial, executive and police bodies in Kosovo controlled by the local population and respect for human rights. It affirmed no more than the commitments that the leaders of the Federal Republic of Yugoslavia had made elsewhere.

17. It was therefore hoped that the text would be sponsored by many countries.

Agenda item 110: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/53/L.32, L.36, L.42, L.44, L.46, L.48 and L.50)

Introduction of draft resolutions

Draft resolution A/C.3/53/L.46: Question of enforced or involuntary disappearances

18. **Ms. de Carné de Trécesson** (France), introducing draft resolution A/C.3/53/L.46, said that Cuba, Hungary, Iceland, Latvia, Portugal, the Republic of Moldova, Senegal, Sweden and the United States of America had become sponsors of the draft resolution. The text updated the resolution adopted by consensus at the fifty-first session of the General Assembly and the texts adopted by the Commission on Human Rights. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/53/L.50: United Nations Decade for Human Rights Education, 1995–2004, and public information activities in the field of human rights

19. **Ms. Wet** (Namibia), introducing draft resolution A/C.3/53/L.50, said that Australia, Croatia, the Philippines, the Russian Federation and Venezuela had become sponsors of the draft resolution. The sponsors had taken into account developments since the fifty-second session of the General Assembly. Member States were urged to take note in particular of the Web site to be launched on 10 December in order to enable the Commission on Human Rights to disseminate information on human rights, as well as of its publications and external relations programme. The draft resolution also mentioned the project "Assisting communities together" which was designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities. The sponsors hoped that the draft resolution would be adopted without a vote.

20. **Ms. Boyko** (Ukraine) said that her delegation wished to become a sponsor of the draft resolution.

21. **The Chairman** announced that Benin, Botswana, Burundi, Côte d'Ivoire, Guinea and Togo had become sponsors.

Action on draft resolutions

Draft resolution A/C.3/53/L.32: Elimination of all forms of religious intolerance

22. **The Chairman** invited the Committee to take action on draft resolution A/C.3/53/L.32. Noting that it had no programme budget implications, he said that Cameroon and Japan had become sponsors at the time of its introduction and that Madagascar, Panama and Ukraine also wished to become sponsors.

23. **Ms. Duffy** (Ireland) said that the Solomon Islands had also become a sponsor of the draft resolution.

24. Draft resolution A/C.3/53/L.32 was adopted.

Draft resolution A/C.3/53/L.36: Respect for the right to universal freedom of travel and the vital importance of family reunification

25. **The Chairman** said that draft resolution A/C.3/53/L.36 had no programme budget implications.

26. A recorded vote was taken on draft resolution A/C.3/53/L.36.

In favour:

Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bangladesh, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Mali, Mauritania, Mexico, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Bulgaria, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland.

27. Draft resolution A/C.3/53/L.36 was adopted by 82 votes to 1, with 67 abstentions.

28. **Ms. Monroy** (Mexico), speaking in explanation of vote, said that her delegation had voted in favour of the draft resolution because it believed that the text included important elements for the promotion of the rights of migrants. Referring to paragraph 1, however, she noted that the right to freedom of movement was laid down in article 13 of the Universal Declaration of Human Rights and that it applied to everyone, migrants and others.

29. **Mr. Tapia** (Chile) said that his country had voted in favour of the draft resolution for the same reason, but that the text was selective, since it did not include paragraph 2 of article 13 of the Universal Declaration of Human Rights, which stated that "Everyone has the right to leave any country, including his own, and to return to his country".

Draft resolution A/C.3/53/L.42: Regional arrangements for the promotion and protection of human rights

30. **The Chairman** informed the Committee that draft resolution A/C.3/53/L.42 had no programme budget implications and that, because of an oversight, the main sponsor, Belgium, had not been included in the initial list of sponsors. Cameroon, Guinea-Bissau, Lesotho, Liberia, Mali, Mongolia, Morocco, Mozambique, Panama, the Philippines, Senegal, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania had joined the sponsors when the draft resolution had been introduced.

31. **Ms. Newell** (Secretary of the Committee) recalled that, when it had introduced the draft resolution, the Belgian delegation had indicated that the phrase "the annual intergovernmental workshop for the Asian and Pacific region", which had been omitted from paragraph 10 of the English version, should be reinserted between the words "in this context" and "as stated during ...".

32. **Miss Petridis** (Belgium) said that Guinea and the Republic of Korea had joined the sponsors.

33. **The Chairman** announced that El Salvador, Malawi and Sierra Leone also wished to sponsor the draft resolution.

34. *Draft resolution A/C.3/53/L.42 was adopted.*

Draft resolution A/C.3/53/L.44: Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

35. **The Chairman** informed the Committee that the draft resolution had no programme budget implications and that Niger and the Sudan had joined the sponsors of the draft resolution when it had been introduced. Madagascar and Uganda also wished to sponsor the draft resolution.

36. *Draft resolution A/C.3/53/L.44 was adopted.*

Draft resolution A/C.3/53/L.48: Follow-up to the United Nations Year for Tolerance

37. **The Chairman** said that the draft resolution had no programme budget implications and that Bolivia, Chile, Côte d'Ivoire, India, the Philippines and the former Yugoslav Republic of Macedonia had joined the sponsors when the draft resolution had been introduced.

38. **Mr. Arda** (Turkey) said that the Russian Federation had also joined the sponsors.

39. **The Chairman** announced that the Dominican Republic, El Salvador and Panama also wished to sponsor the draft resolution.

40. *Draft resolution A/C.3/53/L.48 was adopted.*

41. **Mr. Al-Hariri** (Syrian Arab Republic) said that, while he had joined the consensus, he wished to explain his country's position with respect to certain ideas which had scarcely been touched on in the Declaration of Principles on Tolerance adopted by UNESCO on 16 November 1996 and the follow-up to the United Nations Year for Tolerance.

42. Tolerance did not consist in violating the rights set forth in the Charter of the United Nations or international humanitarian law, nor in accepting aggression and lack of respect for the rights of others, the occupation of territory and the confiscation of the property of the persons living there. It was not compatible with the use of force, nor with intransigence.

43. Furthermore, terrorism was mentioned only in passing in the Follow-up Plan of Action. No distinction was made between terrorism and just resistance against foreign occupation. His country had always condemned terrorism in all its forms and supported the fight against that scourge and the relevant United Nations resolutions. Recently, it had contributed to the adoption of a code of conduct on the subject in cooperation with the Ministers of the Interior of the Arab countries, and it was currently working, within the Organization of the Islamic Conference (OIC), towards the adoption of another code of conduct against terrorism.

44. The Syrian Arab Republic condemned xenophobia, racism, racial discrimination, ethnic cleansing, the occupation of territory, genocide and hatred towards Arabs, Africans, Asians and Latin Americans.

45. Nevertheless, his Government, which wished to find solutions to the problems of the modern world, supported the Declaration of Principles and the related Follow-up Plan of Action.

Award of human rights prizes in 1998

46. **Mr. Reyes Rodriguez** (Cuba) sought clarification regarding the implementation of General Assembly decision 52/424 concerning the award of human rights prizes in 1998.

47. He observed that the procedures for the selection of the prizewinners were stipulated in resolutions. Since the prizes were to be awarded on 10 December 1998 and the special committee entrusted with the selection of the winners had already met, the Committee should be informed of the decisions made and, in particular, of the names of the recipients before 10 December. The political importance of the prizes and the need to maintain a climate of understanding required that there should be the greatest transparency in that regard. His delegation would be grateful if the special committee would provide the necessary information through the Chairman or the secretariat.

48. **Ms. Newell** (Secretary of the Committee) said that the question, which had been discussed by the Bureau, had been conveyed to the special committee, which had responded that the names of the prizewinners would not be made public until 10 December. It would perhaps be helpful if the Bureau were to convey the comments of the Cuban delegation and its request to the President of the General Assembly.

49. **Mr. Reyes Rodriguez** (Cuba) expressed surprise at the decision of the special committee. While the special committee enjoyed the confidence of Member States, all States must nevertheless be able to participate in the process of awarding the prizes and, in order to do so, must be able to obtain the necessary information before 10 December. Transparency should be a sine qua non where such matters were concerned.

50. **Mr. Xie Bohua** (China) said it had been his understanding that a certain period would elapse between the submission of the list of nominees for the human rights prizes and the adoption of a final decision on the awarding of the prizes. He would like to have that confirmed and to know what was the exact procedure envisaged for the awarding of the prizes.

51. **The Chairman** said he thought that meetings had already been held to select the nominees, but he did not know whether any final decision had been taken. He requested the Secretary and the Representative of the Office of the United Nations High Commissioner for Human Rights to obtain the necessary information and report back to the members at the next meeting.

The meeting rose at 4.45 p.m.